

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Near Space: Legal Aspects of Aerospace Activities (2)

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WHERE DOES SPACE BEGIN: THE ITU'S ATTEMPT TO TACKLE THIS ELUSIVE QUESTION AT
WRC-23

Abstract

The debate over where space begins most recently surfaced at the International Telecommunication Union's (ITU) 2023 World Radiocommunication Conference (WRC-23), a treaty conference considering changes to the Radio Regulations, a treaty instrument on the use of radiofrequency spectrum on Earth and in space. A topic on the agenda of WRC-23 was development and adoption of new regulatory provisions to facilitate the introduction of sub-orbital vehicles. As allocations for radio spectrum needed to successfully operate these vehicles are differentiated between terrestrial and space operations, vehicles operating in both regimes were faced with difficult questions in terms of radio equipment and operations of radio systems.

With ample support from the International Civil Aviation Organization (ICAO), Member States at WRC-23 had detailed and lengthy debates on this topic and, ultimately, were unable to reach agreement on new regulatory provisions.

This paper will describe the issues debated and the views of the parties, the impact on operations; and the results of this latest deliberation on the age-old question of where does space begin – and how does that impact actual space operations?